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August 8, 2022

VIA ECF

The Honorable Joseph A. Dickson
United States Magistrate Judge (Ret.)
Chiesa Shahinian & Giantomasi PC
One Boland Drive
West Orange, New Jersey 07052

Re: *Krishanthi, et al. v. Rajaratnam, et al.*, No. 2:09-cv-05395-BRM-JSA

Dear Judge Dickson:

This firm represents the three former JTTF Agents who were hired as investigators by Plaintiffs.

I write in response to Defendants' letter dated July 25, 2022 (ECF No. 513) submitted in response to your Honor's Order dated July 25, 2022 (ECF No. 511) which Order wholly denied Defendants' informal letter motion to compel compliance with the document subpoenas previously served on the Former JTTF Agents. This letter is delayed because I had hoped to resolve the matters raised in Mr. Valen's letter without the need for your further assistance. However, my efforts have not been successful.

Mr. Valen's letter is drafted in the form of a "clarification." However, it appears to be a request to modify the July 25, 2022 Order to compel the JTTF Agents to apply the 127 search terms to the hard drives already in Motley Rice's possession. Defendants properly note that, more than ten months ago and solely *as a resolution of the dispute*, the Agents offered to run the 127 search terms against those hard drives. ECF No. 473 at 6.

Defendants had the opportunity to accept the JTTF Agents' offer to avoid further litigation and delay, but declined to do so. Having enjoyed the benefit of your Honor's review (and additional delay with respect to the underlying litigation), it is unfair for Defendants to now demand the benefit of a settlement offer they rejected. The JTTF Agents further fear that any additional documents that such a search might yield would only cause Defendants to renew their efforts for additional discovery and depositions for the JTTF Agents and to re-litigate matters already decided.

The Honorable Joseph A. Dickson

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For these reasons, we respectfully argue that no modification to the July 25, 2022 Order is warranted.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Marjorie E. Berman". The signature is written in a cursive style with a large, looping capital "M" and a capital "B" at the end.

Marjorie E. Berman

cc: All Counsel of Record